

Illinois EPA  
**BUREAU OF WATER**  
**Enforcement Response Guide**  
~~December 31~~February, 2013

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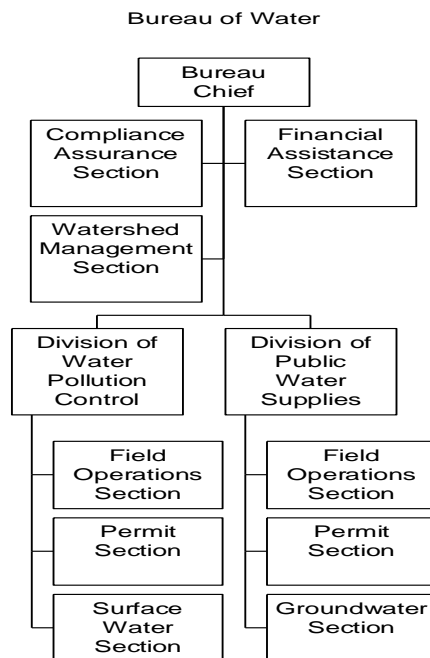
**BUREAU ORGANIZATION**

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The Bureau of Water (BOW) has three sections reporting to the Bureau Chief – Compliance Assurance Section, Financial Assistance Section and the Watershed Management Section. The BOW also has two divisions: Division of Water Pollution Control, including the Field Operations Section (FOS), the Permit Section and the Surface Water Section; and, the Division of Public Water Supplies, including the Field Operations Section, the Permit Section and the Groundwater Section.

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The BOW also has a legal support group within DLC. This group is organized functionally for the different legal needs. In addition to the designated enforcement attorneys, there are attorneys doing regulatory and legislative development, permit appeals and legal research projects.



### ***Compliance Monitoring and Evaluation***

Field Operations staff (FOS) identifies violations through inspections. Inspections are performed as a part of a program to routinely monitor compliance as well as part of the follow-up actions for complaints being received.

The Safe Drinking Water Information System (SDWIS) identifies several types of SDWA related violations. SDWIS violations result from reported sample data (Maximum Contaminant Level [MCL] violations) as well as from the non-reporting of required data.

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The federal Integrated Compliance Information System (ICIS) identifies several types of NPDES related violations. ICIS violations result from reported DMR data (NPDES limit exceedances), non-reporting or required DMR data, unachieved or achieved late compliance schedule events including events identified in NPDES permits, CCAs, and Orders. In addition, Single event violations (SEVs) are violations of the CWA's NPDES requirements that are documented during a compliance inspection, reported by the facility, or determined through other compliance monitoring methods by the NPDES authority. Examples of single event violations include failure to obtain required permit, sampling wastewater in an unauthorized location, or an unauthorized wastewater bypass or discharge. Single event violations do not include violations generated automatically (e.g., effluent limit violation from a DMR, or compliance schedule violations) by ICIS. Therefore, SEVs reporting for major and non-major facilities is accomplished through manual entry into ICIS. Please refer to the ICIS-NPDES SEV data entry guide for the protocols used to reported SEVs in ICIS.-

The Operator Certification System also identifies violations for wastewater treatment works without properly certified operators.

Once violations have been identified, decisions are made whether or not to take compliance/enforcement follow-up actions and the type of actions to be taken following the "Enforcement Response Guidance" provided in its section below. Willful misconduct by certified operators might also result in certificate sanctions as described below in the Operator Certificate Sanction Section. Tables are also provided as guidance for BOW staff members regarding the appropriate range of enforcement responses for different types and degrees of violations.

### ***Informal Warning Letters***

Either FOS or CAS issues NCAs for violation types as identified in the BOW enforcement response guidance. When consistency with the BOW enforcement response guidance is supported by an inspection report or by information obtained from an electronic data management system, no additional documentation is necessary. However, an enforcement response that deviates from the BOW enforcement response guidance must be approved by at least a Section Manager level of authority and documentation supporting the decision must be readily available. FOS/CAS staffs also submit recommendations for VNs to the Compliance Group (CG) for discussion. This group, comprised of the CAS Section Manager, Drinking

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Water and Wastewater FOS Managers, Drinking Water Permit Section Manager, and Drinking and Wastewater Compliance Monitoring Unit Managers, meets on a weekly basis to determine what action should be taken regarding violations, which can include an NCA or VN. If an NCA is chosen as the proper tool, it is drafted and issued by CAS or FOS as appropriate. If a facility that was sent an NCA fails to come into compliance, a VN is recommended to the Compliance Group.

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### ***Section 31 Pre-Enforcement Procedures***

Once the Compliance Group (CG) determines that a VN should be sent, CAS staff prepares the VNs for the CAS Manager (or designee) to issue. CAS issues all VNs in the Bureau of Water. Responses to the VNs are sent to CAS for consideration of a Compliance Commitment Agreement (CCA). The CAS Manager is authorized to decide the acceptance or rejections of proposed CCAs following proper consultation with appropriate staff from FOS, Permits Section, DLC and other Sections in BOW. Acceptance is limited to those CCAs with appropriate commitments that will normally be completed in less than one year.

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When a facility that was sent a VN fails to submit an acceptable CCA within the response time outlined in Section 31(a) of the Environmental Protection Act (Act) or fails to achieve compliance in accordance with a CCA, the matter is sent to the Enforcement Decision Group (EDG) for a decision to pursue or not pursue additional enforcement in accordance with Section 31(b) of the Act. EDG is made up of the Bureau of Water Chief, Division Manager, Section Managers and the Compliance Section Unit Manager. Additional enforcement action usually consists of a decision to send a Notice of Intent to Pursue Legal Action (NIPLA), which is prepared by the Division of Legal Counsel.

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### ***Restricted Status and Critical Review***

#### **Public Water Supply Program**

The Act prohibits issuance of a construction permit that will cause or extend a violation. A construction permit to expand the distribution system cannot be granted when a water supply has a MCL violation, an inadequate source of raw water supply, inadequate treatment plant capacity, finished water storage capacity or inadequate distribution system pressure. A Restricted Status List generated and updated by the DPWS Permit Section is published quarterly in the Illinois Pollution Control Board Environmental Register to notify those persons considering expansion of a water supply distribution system of that status before large sums of money have been spent on items such as land acquisition, financing and engineering fees. The companion Critical Review List is also published quarterly and lists water supplies that are approaching a point where the supply could be placed on restricted status. A permit application from a water supply on critical review will be examined carefully to ensure that the proposed construction will not cause a violation.

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## Water Pollution Control Program

Part of the Water Pollution Control Division's Permit Section responsibilities is the imposition of critical review. This identifies a sewer system or wastewater treatment plant as being close to overloaded either organically or hydraulically. The imposition of restricted status is the Division's determination of organic or hydraulic overload and its inability to issue further construction permits that are required for a single building having a discharge of 1,500 or more gallons per day of domestic sewage or two or more buildings connected to the same sewer.

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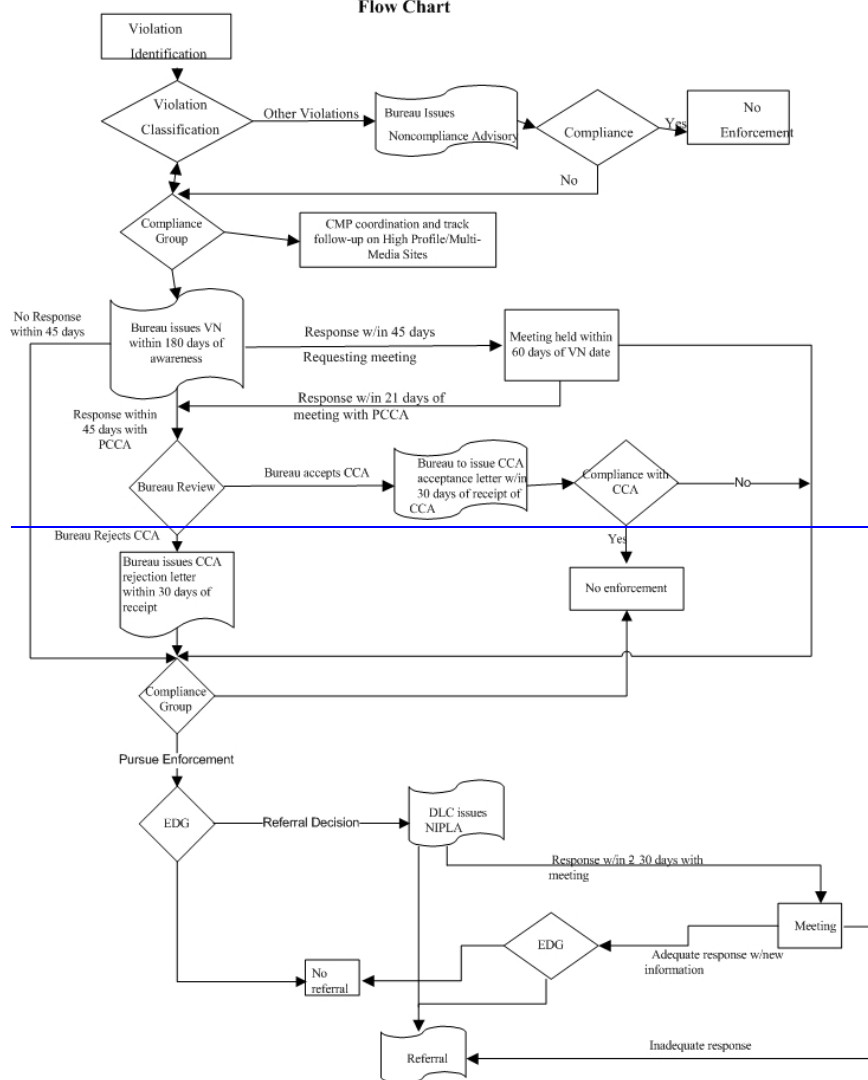
### ***Operator Certificate Sanctions***

The Agency has the authority to sanction certified drinking water and wastewater operators by suspending or revoking Certificates of Technical Competency for the following causes:

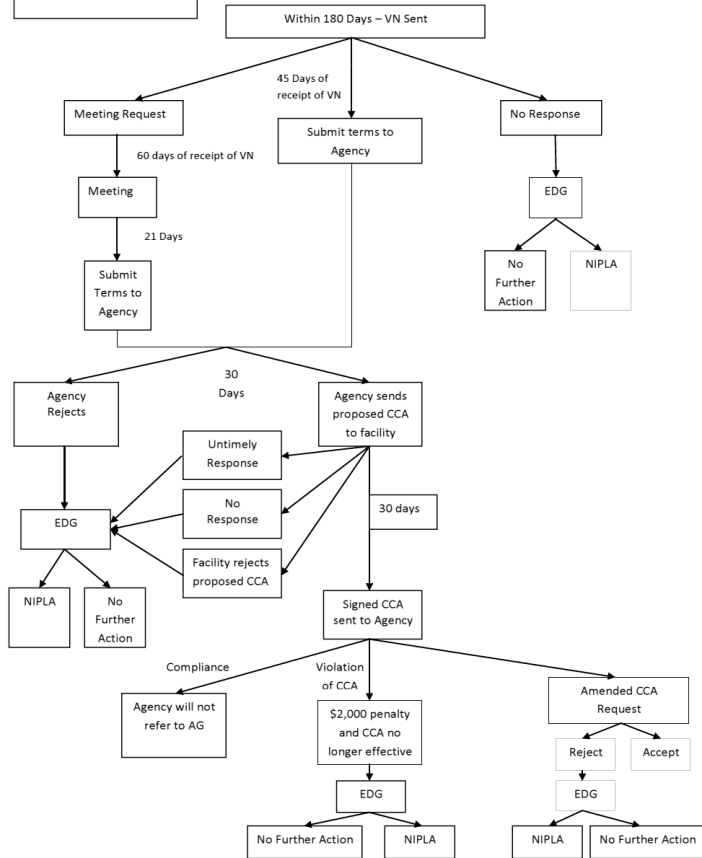
1. Having obtained, renewed or restored, or attempted to obtain, renew or restore a Certificate of Competency by fraud or deceit;
2. Any gross negligence, misconduct, or incompetence in the operation of a public water supply or a wastewater treatment works;
3. Falsification of reports required to be submitted to the Agency;
4. Willful violation of the Environmental Protection Act or any rules thereunder; or
5. A final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts above.

The period of time that a certificate may be suspended is a year and a half and certificate revocation may be up to four years. In addition, an operator with a revoked certificate must retake and pass a certification examination in order to re-certify.

# **BOW Section 31(d) Summary Flow Chart**



**"NEW" Section 31**



Field Code Changed

***Public Water Supply Program  
Significant Non-compliance (SNC) Definitions***

SNCs are community water supplies that have more serious, frequent or persistent violations. The criteria designating a SNC vary by contaminant.

**Sections 14.2, 14.3 and 14.5 of the Act and 35 Ill. Adm. Code 615, 616, 617, 620 and 670**

- Any unauthorized bypass, discharge or pass-through of pollutants, which cause or has the potential to cause a water quality problem or human health problem is SNC.
- Any schedule, operating or reporting violations of Board rules are SNC.
- Any violations of narrative requirements of the Act or Board rules, or any other violation of concern to the Director is SNC.

**Total Coliform Rule (TCR)**

- **MCL**  
Monthly Monitoring:  $\geq 4$  acute/monthly MCL violations in any 12 consecutive months
- **Monitoring (M/R)**  
Monthly monitoring: In any 12 consecutive months, meeting one of the following criteria:  $\geq 4$  major repeat M/R violations
- **Monitoring and MCL Combinations**  
 $\geq 4$  major repeat M/R violations and MCL violations  
6 combined major repeat M/R, major routine M/R, and/or MCL violations  
10 combined major/minor routine/repeat M/R and/or MCL violations

**Chemical (Phase II/V – IOCs, VOCs, and SOC) / Radionuclide**

- **MCL (excluding Nitrate & Nitrite)**  
Exceeds the short-term acceptable risk to health level (see attached “Chemical & Radiological Trigger Levels”)
- **Monitoring (M/R)**  
System fails to monitor for  $\geq 2$  consecutive monitoring periods

**Arsenic (Draft Implementation Guidance 11/01)**

- **MCL**

**Exceeds twice the MCL or 20 ppb**

- **Monitoring (M/R)**  
Failure to monitor in two consecutive compliance periods if monitoring more than yearly (e.g. monitoring quarterly)  
Failure to monitor once if monitoring once a year or less (e.g. monitoring once every three years)

**Nitrate & Nitrite**

- **MCL**  
Nitrate:  $> 10\text{mg/L}$   
Nitrite:  $> 1\text{ mg/L}$
- **Monitoring (M/R)**  
System fails to monitor for  $\geq 2$  consecutive monitoring periods

### Surface Water Treatment Rule (SWTR)

- **Filtered Systems**

A system that has 4 or more treatment techniques violations in any 12 consecutive months

A system that has a combination of 6 violations including treatment technique violations and major M/R violations in any 12 consecutive months

### Lead and Copper Rule (LCR)

- **Initial Tap Monitoring**

Any system that does not monitor during any one of the two consecutive six-month monitoring periods

- **Optimal Corrosion Control Installation**

A system which fails to install optimal corrosion control of time and has 90<sup>th</sup> percentile lead level of  $\geq 30$  ppb in its most recent monitoring period

- **Source Water Treatment Installation**

A system which fails to install source water treatment on time and has a 90<sup>th</sup> percentile lead level of  $\geq 30$  ppb in its most recent monitoring period

- **Public Education**

A system which fails to complete public education as required and has a 90<sup>th</sup> percentile lead level of  $\geq 30$  ppb in its most recent monitoring period

### Additional Notes

- (1) A “major” M/R violation (except for SWTR) occurs when no samples are taken or no results are reported during a compliance period. For SWTR, a major M/R violation occurs when at least 90% of the required samples are not taken or results reported during a reporting period.
- (2) A “minor” M/R violation (except for SWTR) occurs when an insufficient number of samples are taken or incomplete results are reported during a compliance period. For SWTR, a minor violation occurs when less than 100% but more than 90% of the required samples are not taken or results reported during a reporting period.
- (3) SNC definition is modified, if needed, to cover new regulations as they are promulgated.

### Phase II/IV and Radionuclide Contaminants

#### MCL and SNC Trigger Levels

| Contaminant Code | Contaminant Name         | MCL* Measure | SNC** Trigger Level |
|------------------|--------------------------|--------------|---------------------|
| 2380             | cis-1,2-dichloroethylene | 0.07         | 0                   |
| 2968             | o-Dichlorobenzene        | 0.6          | 0                   |
| 2969             | p-Dichlorobenzene        | 0.075        | 0.15                |



|      |                                      |         |        |
|------|--------------------------------------|---------|--------|
| 2979 | Trans-1,2-Dichloroethylene           | 0.1     | 0      |
| 2051 | Alachlor (Lasso)                     | 0.002   | 0      |
| 1074 | Antimony, Total                      | 0.006   | 0      |
| 1005 | Arsenic                              | 0.05    | 0.1    |
| 1094 | Asbestos                             | 7000000 | 0      |
| 2050 | Atrazine                             | 0.003   | 0      |
| 1010 | Barium                               | 2       | 2      |
| 2990 | Benzene                              | 0.005   | 0.01   |
| 2306 | Benzo (A) Pyrene                     | 0.0002  | 0      |
| 1075 | Beryllium, Total                     | 0.004   | 0      |
| 2010 | BHC-gamma (Lindane)                  | 0.0002  | 0.004  |
| 1015 | Cadmium                              | 0.005   | 0.02   |
| 2046 | Carbofuran                           | 0.04    | 0      |
| 2982 | Carbon Tetrachloride                 | 0.005   | 0.03   |
| 2959 | Chlordane                            | 0.002   | 0      |
| 1020 | Chromium                             | 0.1     | 0.1    |
| 3100 | Coliform (TCR)                       | 0       |        |
| 4010 | Combined Radium (-226 & -228)        | 5       | 10     |
| 7000 | Consumer Confidence Rule             | 0       |        |
| 1022 | Copper                               | 0       |        |
| 1024 | Cyanide                              | 0.2     | 0      |
| 2031 | Dalapon                              | 0.2     | 0      |
| 2035 | Di(2-Ethylexyl) Adipate              | 0.4     | 0      |
| 2039 | Di(2-Ethylexyl) Phthalate            | 0.006   | 0      |
| 2964 | Dichloromethane (Methylene Chloride) | 0.005   | 0      |
| 2041 | Dinoseb                              | 0.007   | 0      |
| 2032 | Diquat                               | 0.02    | 0      |
| 2033 | Endothall                            | 0.1     | 0      |
| 2005 | Endrin                               | 0.0002  | 0.0004 |
| 2992 | Ethylbenzene                         | 0.7     | 0      |
| 2946 | Ethylene Dibromide (EDB)             | 0.00005 | 0      |
| 1025 | Fluoride                             | 4       | 5      |
| 2034 | Glyphosate                           | 0.7     | 0      |
| 4000 | Gross Alpha, Excl. Radon & U         | 15      | 30     |
| 4100 | Gross Beta Particle Activity         | 4       | 10     |
| 2065 | Heptachlor                           | 0.0004  | 0      |
| 2067 | Heptachlor Epoxide                   | 0.0002  | 0      |
| 2274 | Hexachlorobenzene (HCB)              | 0.001   | 0      |
| 2042 | Hexachlorocyclopentadiene            | 0.05    | 0      |
| 1030 | Lead                                 | 0       |        |
| 5000 | Lead & Copper Rule                   | 0       |        |
| 1035 | Mercury                              | 0.002   | 0.004  |
| 2015 | Methoxychlor                         | 0.04    | 0.1    |
| 2989 | Monochlorobenzene (Chlorobenzene)    | 0.1     | 0      |
| 1036 | Nickel                               | 0       |        |

|      |                                       |            |        |
|------|---------------------------------------|------------|--------|
| 1040 | Nitrate                               | 10         | 10     |
| 1038 | Nitrate-Nitrite                       | 10         | 0      |
| 1041 | Nitrite                               | 1          | 0      |
| 2036 | Oxamyl (Vydate)                       | 0.2        | 0      |
| 2326 | Pentachlorophenol                     | 0.001      | 0      |
| 2040 | Picloram                              | 0.5        | 0      |
| 7500 | Public Notice                         | 0          |        |
| 1045 | Selenium                              | 0.05       | 0.2    |
| 2037 | Simazine                              | 0.004      | 0      |
| 2996 | Styrene                               | 0.1        | 0      |
| 2987 | Tetrachloroethylene                   | 0.005      | 0      |
| 1085 | Thallium, Total                       | 0.002      | 0      |
| 2991 | Toluene                               | 1          | 0      |
| 2383 | Total Polychlorinated Biphenyls (PCB) | 0.0005     | 0      |
| 2020 | Toxaphene                             | 0.003      | 0.0125 |
| 2984 | Trichloroethylene                     | 0.005      | 0.3    |
| 0100 | Turbidity                             | 0          |        |
| 2950 | TTHM                                  | 0.1        | 0.1    |
| 2976 | Vinyl Chloride                        | 0.002      | 0.002  |
| 2955 | Xylenes, Total                        | 10         | 0      |
| 2977 | 1,1-Dichloroethylene                  | 0.007      | 0.014  |
| 2981 | 1,1,1-Trichloroethane                 | 0.2        | 1      |
| 2985 | 1,1,2-Trichloroethane                 | 0.005      | 0      |
| 2931 | 1,2 Dibromo-3-Chloropropane (DBCP)    | 0.0002     | 0      |
| 2980 | 1,2-Dichloroethane                    | 0.005      | 0.04   |
| 2983 | 1,2-Dichloropropane                   | 0.005      | 0      |
| 2378 | 1,2,4-Trichlorobenzene                | 0.07       | 0.2    |
| 2063 | 2,3,7,8-TCDD (Dioxin)                 | 0.00000003 | 0      |
| 2105 | 2,4-D                                 | 0.07       | 0.2    |
| 2110 | 2,4,5-TP (Silvex)                     | 0.05       | 0.07   |

\* Maximum Contaminant Level is the regulatory limit.

\*\* SNC triggers are sometimes a multiplication of the MCL (i.e. 2X, 5X, etc.). SNC triggers are not always available “0” or not always applicable “blank”.

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***Water Pollution Control Program  
Significant Non-compliance (SNC) Criteria***

1. Effluent Violations of Monthly Average Limits

a. TRC Violations

A 40% exceedance of specific pollutant limits listed in Exhibit A or a 20% exceedance of a specific pollutant limit from Exhibit B at a given discharge point for any two or more months during the two consecutive quarter review period is SNC.

b. Chronic Violations

Violation of any monthly effluent limit at a given pipe by any amount for any four or more months during the two consecutive quarter review period is SNC.

2. Effluent Violations of Non-Monthly Average Limits\*

TRC and chronic SNC criteria are the same as for monthly average violations as described in section 1. a. and b. above. However, the following caveat also applies:

When a parameter has both a monthly average and a non-monthly average limit, a facility would only be considered in SNC for the non-monthly limits if the monthly average is also violated to some degree (but less than SNC).

\*NOTE: Non-monthly average SNC applies to all maximum and all average (other than monthly average) statistical base codes.

3. Other Effluent Violations

Any effluent violation that causes or has the potential to cause a water quality or human health problem is SNC.

4. Non – Effluent Violations

Any unauthorized bypass, unpermitted discharge, or pass through of pollutants, which causes or has the potential to cause a water quality problem (e.g., fish kills, oil sheens) or health problems (e.g., beach closings, fishing bans, or other restrictions of beneficial uses) is SNC. In the case of POTWs implementing Approved Pretreatment Programs, failure to implement or enforce those programs is SNC.

5. With respect to CAFOs, examples of significant noncompliance include the following:

- any significant unauthorized discharge
- multiple discharges without an NPDES permit

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- failure to apply for and obtain an NPDES permit when one is required
- multiple deficiencies in complying with the permit and the NMP, such as failure to maintain adequate storage capacity and containment
- failure to meet the major milestones required in an administrative or judicial order or in a permit ~~by 90 days or more~~
- failure to submit an annual report or other report required by an NPDES permit

\*NOTE: EPA's 2007 Interim Wet Weather SNC Policy supplements the existing 1986 NPDES SNC Policy and will provide EPA and States with a tool to better manage the current NPDES program by providing guidance on prioritizing and tracking violations in EPA's Clean Water Act wet weather national enforcement priority areas. With respect to CAFOs, the violations mentioned above are recorded in ICIS using Single Event Violations (SEVs) codes. Please see SEV Table below for a complete list of SEV codes and descriptions. For an entire list of SEVs please refer to Interim WW SNC Policy Guidance.

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## 6. Permit Reporting Violations

Discharge Monitoring Reports, POTW Pretreatment Performance Reports, and the Compliance Schedule Final Report of Progress (i.e., whether final compliance has been attained) that are not submitted at all or are submitted 30 or more days late are SNC.

## 7. Enforcement Orders

### a. Judicial Order

Any violation of a Judicial Order is SNC.

### b. Administrative Order (AO)

Any violation of an effluent limit (or other water quality/health impact) established in an AO is SNC. However, when an AO limit is as stringent as an applicable permit limit, the facility is SNC only if the permit effluent SNC criteria, set out in number 1-3 above, are met.

Any unauthorized bypass, unpermitted discharge or pass-through of pollutants which cause or has the potential to cause a water quality problem or human health problem is SNC.

Any schedule or reporting violations listed above in sections 5, 6 and 7 respectively are SNC.

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Any violations of narrative requirements or any other violation of concern to the Director is SNC.

**SNC Conventional Pollutants**  
(40% exceedance of limit)

**Group I Pollutants – TRC=1.4**

***Oxygen Demand***

Biochemical Oxygen Demand  
Chemical Oxygen Demand  
Total Oxygen Demands  
Total Organic Carbon  
Other

***Solids***

Total Suspended Solids  
(Residues)  
Total Dissolved Solids  
(Residues)  
Other

***Nutrients***

Inorganic Phosphorus Compounds  
Inorganic Nitrogen Compounds  
Other

***Detergents and Oils***

MBAS  
NTA  
Oil and Grease  
Other detergents or algicides

***Minerals***

Calcium  
Chloride  
Fluoride  
Magnesium  
Sodium  
Potassium  
Sulfur  
Sulfate  
Total Alkalinity  
Total Hardness  
Other Minerals

***Metals***

Aluminum  
Cobalt  
Iron  
Vanadium

**SNC Toxic Pollutants**  
(20% exceedance of limit)

**Group II Pollutants – TRC = 1.2**

Metals (all forms)  
Other metals not specifically listed under Group I

**Inorganic**

Cyanide  
Total Residual Chlorine

**Organics**

All organics are Group II except those specifically listed under Group I.3

### ***Enforcement Response Tables***

The response guides in **Tables 1 and 2** are for the use of Illinois EPA staff in determining the appropriate enforcement response to program violations. It is intended to serve two main purposes:

1. It recommends enforcement responses that are timely and appropriate in relation to the nature and severity of the violation and the overall degree of noncompliance.
2. It provides a guide for both new and experienced staff to ensure a uniform and consistent application of enforcement response to comparable levels and types of violations.

This guide should be used as an aid in selecting the most appropriate response to instances of noncompliance. When making determinations of the level of enforcement response, the Bureau of Water's technical and legal staff will consider the degree of deviation from the MCL or permit condition or legal requirement, the duration of the violation, previous enforcement actions taken against the facility, the potential danger to public health or the environment resulting from the violation, and the deterrent effect of the response. Equally important are considerations of fairness and equity, consistency statewide and nationally, and the integrity of the regulatory program.

In any particular case, consideration of the above factors may lead to a response that differs from those contained in the guide. The Illinois EPA in the exercise of its enforcement discretion may select any enforcement response available under and consistent with state and federal law. This guide does not create any legal rights or supersede any provisions of state or federal law.

In general, the Illinois EPA will respond to violations with the issuance of a VN under the provisions of Section 31 of the Act and/or the issuance of a less formal "non-compliance advisory letter". The type(s) of violations that require evaluation for the issuance of a formal VN in lieu of or in addition to a less formal response are identified on the following pages.

At the same time, EPA's EMS guidance establishes federal expectations which state that All SNC violations must be responded to in a timely and appropriate manner by NPDES authority. The response should reflect the nature and severity of the violation, and, unless there is supportable justification, the response must be a formal enforcement action, or a return to compliance by the permittee generally within one quarter from the date that the SNC violation is first reported on the Quarterly Noncompliance Report (QNCR). As NPDES authority, IEPA is expected to take a formal enforcement action before the violation appears on the second QNCR, generally within 60 days of the first QNCR. If IEPA does not act before the second QNCR, US EPA could take a formal enforcement action, independently. In the rare circumstance When formal enforcement action is not taken, when formal enforcement action is not taken, the NPDES authority is expected to have a written record that clearly justifies why the alternative action (informal enforcement action or permit modification) was more appropriate. This record might take the form of a "Violation Summary".

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**Table 1**

**Drinking Water Compliance Enforcement Response Guidance**

**Monitoring Violations**

| *Parameter   | Trigger/Circumstance  | EMS Response           |
|--|---|------------------------|
| <b>Bacteriological (coliform)</b>  | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor 3 times during a 12-month period   | VN                     |
| <b>Chemical/Radiological (including nitrates/nitrites)</b>   | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 consecutive monitoring periods   | VN                     |
| <b>Bromate</b><br>Applicable to all WS using ozone   | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 monitoring periods within a 6-month period   | VN                     |
| <b>Chlorine and/or chloramines</b><br>Applicable to WS using chlorine or chloramines                               | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 monitoring periods within a 6-month period   | VN                     |
| <b>Chlorine Dioxide</b><br>Applicable to all WS using chlorine dioxide   | Failure to collect 3 distribution samples the day following an exceedance <u>OR</u> failure to monitor at the entrance to the distribution system the day following an exceedance of the MRDL | VN                     |
| <b>Chlorite</b><br>Applicable to all WS using chlorine dioxide   | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 monitoring periods within a 6-month period   | VN                     |
| <b>Disinfectants/Disinfection By-Products (DDBPs)</b><br>Applicable to all WS directly adding a disinfectant       | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 consecutive monitoring periods   | VN                     |
| <b>TTHM (State Only Requirement)</b><br>Applicable to all (SWP and GW/GWP >10,000) that do not directly disinfect) | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 consecutive monitoring periods   | VN                     |
| <b>Total Organic Carbon (TOC)</b><br>Applicable to all SW that use conventional treatment                          | Failure to monitor for one monitoring period  | Public Notice Advisory |
|  | Failure to monitor for 2 monitoring periods within a 6-month period   | VN                     |
| <b>Turbidity</b><br>Applicable to all SW   | Failure to record turbidity readings every 4 hours at prescribed locations on protocol (one month violation)  | Public Notice Advisory |

|  |   |                        |
|--|---|------------------------|
|  | Failure to record turbidity readings every 4 hours at prescribed locations on protocol (two monthly violations within a 6-month period) | VN                     |
| <b>Lead/Copper</b><br>Excludes wholesale WSS                             | Failure to monitor for one monitoring period (routine, reduced, and maintenance)  | Public Notice Advisory |
|  | Failure to monitor for one monitoring period (initial)  | VN                     |
|  | Failure to monitor for 2 consecutive monitoring periods (routine, reduced, and maintenance)   | VN                     |
| <b>Residual Disinfectant Concentration (RDC)</b><br>Applicable to all SW | Immediately following failure to provide RDC distribution monitoring <u>OR</u> entry point monitoring at prescribed frequency           | VN                     |

### Reporting Violations

| *Parameter   | Trigger/Circumstance   | EMS Response           |
|--|--|------------------------|
| <b>Lead Public Education</b><br>Excludes wholesale WSS | Failure to prepare and submit a lead public education program by due date  | Public Notice Advisory |
|  | Failure to prepare and submit a lead public education program by due date and most recent 90 <sup>th</sup> percentile is >30 ug/L                      | VN                     |
|  | Failure to prepare and submit a lead public education program by due date AND failed to return to compliance within 6 months following PNA             | VN                     |
| <b>Public Notice</b>                                   | Failure to issue public notice for any one violation   | Public Notice Advisory |
|  | Failure to issue public notice for any one violation AND failed to issue PN within 30 days of PNA  | VN                     |
| <b>Consumer Confidence Report (CCR)</b>                | Failure to issue a satisfactory CCR by July 1 <sup>st</sup> of each year (minor problems)  | Written warning        |
|  | Failure to issue CCR by July 1 <sup>st</sup> of each year OR failure to issue a satisfactory CCR by July 1 <sup>st</sup> of each year (major problems) | NCA                    |
|  | Failure to issue CCR by July 1 <sup>st</sup> of each year and failed to adequately respond to the NCA within 30 days                                   | VN                     |

### Treatment Technique Violations

| *Parameter   | Trigger/Circumstance  | EMS Response           |
|--|---|------------------------|
| <b>Lead/Copper OCCT/SWT Recommendations</b><br>Excludes wholesale WSS    | Failure to submit Optimal Corrosion Control and/or Source Water Treatment Recommendation by due date                | Public Notice Advisory |
|  | Failure to submit within 6 months following Public Notice Advisory  | VN                     |
| <b>Lead/Copper failure to install OCCT/SWT</b><br>Excludes wholesale WSS | Failure to install Optimal Corrosion Control and/or Source Water Treatment within 24 months following IEPA approval | VN                     |
| <b>Lead/Copper WQP Ranges</b><br>Excludes wholesale WSS                  | Failure to meet the approved water quality parameter ranges for 10 days or more within a 6-month period             | Public Notice Advisory |



|  |  |                        |
|--|--|------------------------|
|  | One violation and failure to return to compliance the next 6-month reporting period  | VN                     |
| <b>Total Organic Carbon</b><br>All SW with Conventional Treatment  | Failure to meet TOC removal requirements during any monitoring period (month)  | Public Notice Advisory |
|  | Failure to meet TOC removal requirements during any two months within a 6-month period   | VN                     |
| <b>Lead Service Line Replacement (LSLR)</b><br>Excludes wholesale WSS  | Failure to demonstrate 7% removal of LSL during a 12-month period  | VN                     |
| <b>Residual Disinfectant Concentration</b><br>Applicable to all SWs  | Failure to maintain 0.2 mg/L RDC at the entry point into the system  | VN                     |
| <b>Residual Disinfectant Concentration</b><br>Applicable to all SWs  | Failure to provide a detectable disinfection concentration in the distribution system in 95% of the samples during any monitoring period (month) | VN                     |
| <b>Residual Disinfectant Concentration</b><br>Applicable to GWs using chlorine or chloramines                      | Failure to maintain residual of free or total chlorine at levels to provide adequate health protection within a given month                      | VN                     |
| <b>DBP Precursor Removal</b><br>(total organic carbon-TOC)<br>Applicable to all SW that use conventional treatment | Failure to meet DBP precursor removal requirements during any monitoring period  | Public Notice Advisory |
|  | Failure to meet DBP precursor removal requirements for 2 consecutive quarters  | VN                     |
| <b>Turbidity</b><br>Applicable to all SWs  | Turbidity of filtered water exceeds 1 NTU at any time  | VN                     |
| <b>Turbidity</b><br>Applicable to all SWs  | Failure to comply with 0.3 NTU 95% of the time on a monthly basis  | VN                     |

### Maximum Contaminant Level Violations

| *Parameter   | Trigger/Circumstance   | EMS Response           |
|--|--|------------------------|
| <b>Bacteriological</b> (coliform)  | MCL violation within a given month   | Public Notice Advisory |
|  | 2 MCL violations within a 12-month period  | VN                     |
| <b>Bromate</b><br>Applicable to all WS using ozone for disinfection  | One MCL violation (running annual average)   | VN                     |
| <b>Chemical/Radiological</b>   | One MCL violation (running annual average)   | VN                     |
| <b>Nitrate, Nitrite, or Total Nitrate &amp; Nitrite</b>  | MCL violation (single sample OR single sample plus 24-hour confirmation sample)  | VN                     |
| <b>Chlorite</b><br>Applicable to all WS using chlorine dioxide for disinfection                                    | MCL violation is based upon the average of a 3-sample set, taken the day after a daily sample from the entrance to the distribution system is greater than the MCL | VN                     |
| <b>Disinfectants/Disinfection By-products</b><br>Applicable to all WS directly adding a disinfectant               | One MCL violation (running annual average)   | VN                     |
| <b>TTHM (State Only Requirement)</b><br>Applicable to all (SWP and GW/GWP >10,000) that do not directly disinfect) | One MCL violation (running annual average)   | VN                     |

### Maximum Residual Disinfectant Level Violations

| *Parameter   | Trigger/Circumstance   | EMS Response |
|--|--|--------------|
| <b>Chloramines</b><br>Applicable to WS using chloramines                   | One MRDL violation (running annual average of the 4 most recent quarters, computed quarterly, using the monthly averages)  | VN           |
| <b>Chlorine</b><br>Applicable to WS using chlorine                         | One MRDL violation (running annual average of the 4 most recent quarters, computed quarterly, using the monthly averages)  | VN           |
| <b>Chlorine Dioxide (Acute)</b><br>Applicable to WS using chlorine dioxide | One MRDL violation (one or more of a 3-sample set exceeds the MRDL, when taken the day after a daily sample from the entrance to the distribution system is greater than the MRDL) | VN           |
| <b>Chlorine Dioxide (Acute)</b><br>Applicable to WS using chlorine dioxide | One MRDL violation (two consecutive daily samples from the entrance to the distribution system, exceed the MRDL, and all additional distribution samples taken are below the MRDL) | VN           |

### Permit Violations

| *Parameter   | Trigger/Circumstance   | EMS Response |
|--|--|--------------|
| <b>Construction Permit</b>                               | Failure to obtain construction permit prior to starting construction   | VN           |
| <b>Construction Permit Condition Violation</b>           | Failure to meet condition of a construction permit   | NCA          |
|  | Failure to meet condition of a construction permit and immediate short-term health threat, and/or persistent recalcitrance by violator | VN           |
| <b>Operating Permit</b>                                  | Failure to obtain operating permit for all changes or additions for which a construction permit is required                            | VN           |
| <b>Multiple Operating Permit Violations w/o Coliform</b> | Multiple Operating Permit Violations w/o Coliform  | NCA          |
|  | Immediate short-term health threat, and/or persistent recalcitrance by violator  | VN           |

## FOS and Other Violations

| *Parameter  | Trigger/Circumstance  | EMS Response   |
|---|---|--|
| Data Falsification                                | Upon discovery of data falsification and EDG decision                           | VN, Civil Referral, Criminal Referral, Certificate Sanctions |
| Failure to chlorinate                             | Failure to provide chlorination   | NCA  |
|   | Immediate short-term health threat, and/or persistent recalcitrance by violator | VN, Civil Referral   |
| Failure to Respond to Multiple Inspection Notices | Failure to respond to multiple inspection notices                               | NCA  |
|   | Immediate short-term health threat, and/or persistent recalcitrance by violator | VN, Civil Referral   |
| Inadequate Response to Inspection Notices         | Failure to provide a response that adequately addresses the violations          | VN   |
| Fluoride Overfeed                                 | Immediately upon discovery of overfeed  | NCA  |
|   | Immediate short-term health threat, and/or persistent recalcitrance by violator | VN, Civil Referral   |
| Lack of a Certified Operator (CO)                 | Failure to have a Certified Operator  | NCA  |
|   | Immediately after no response to the NCA  | VN   |
| Operational/Constructional Defects                | Immediately upon discovery of operational/constructional defects                | NCA  |
|   | Immediate short-term health threat, and/or persistent recalcitrance by violator | VN, Civil Referral   |
| Persistent Low Pressure                           | Failure to provide adequate pressure in the system                              | NCA  |
|   | Immediate short-term health threat, and/or persistent recalcitrance by violator | VN, Civil Referral   |
| Persistent Non-Compliance (Numerous Violations)   | Immediately upon discovery of numerous violations                               | VN   |
| Other Subtitle F Violations                       | Immediately upon discovery of violations  | NCA  |

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Table 2

## Wastewater Compliance Enforcement Response Guidance

### Permit Violations

| Noncompliance                       | Circumstances  | Range of Response  |
|-------------------------------------|--|--|
| Discharge without NPDES permit      | Unintentional; first violation without documented environmental impact         | Verbal Warning, NCA, VN, <a href="#">Region 5 referral (AO or APO)</a>                     |
| Discharge without NPDES permit      | Intentional; one or more times with or without documented environmental impact | Criminal referral, VN, civil referral, <a href="#">Region 5 referral (APO or Judicial)</a> |
| Failure to reapply for NPDES permit | Any instance   | VN, <a href="#">Region 5 referral (AO, APO or Judicial)</a>                                |

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|--|--|---------------------------|
| ▲ Failure to pay permit fee  | Continued after due date                         | NCA, VN                   |
| ▲ Minor construction or operation without a state permit (e.g., modification of existing permitted facility) | One time without documented environmental impact | None, verbal warning, NCA |
| ▲ Substantial construction or operation without a state permit   | Any instance                                     | VN                        |
| ▲ Minor construction or operation in violation of state permit conditions                                    | One time without documented environmental impact | None, Verbal Warning, NCA |
| ▲ Substantial construction or operation in violation of state permit conditions                              | Any instance                                     | VN                        |
| ▲ Failure to have a properly certified wastewater operator   | Isolated or infrequent                           | Verbal Warning, NCA       |
| ▲ Failure to have a properly certified wastewater operator   | Frequent or continued with prior NCA             | VN                        |

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#### NPDES Sampling, Monitoring and Reporting – Major Facilities

| ▲ Noncompliance                                      | ▲ Circumstances                      | Range of Response   |
|--|--------------------------------------|---|
| ▲ Failure to sample, monitor or report (non-SNC)     | Isolated or infrequent               | Verbal Warning, NCA   |
| ▲ Failure to sample, monitor or report (non-SNC)     | Frequent or continued with prior NCA | VN  |
| ▲ Failure to sample monitor, or report (SNC)         | Any instance                         | VN, <a href="#">Region 5 referral (AO or APO)</a>   |
| ▲ Submission of incomplete or deficient report (SNC) | Any instance                         | VN, , <a href="#">Region 5 referral (AO or APO)</a>   |
| ▲ Submission of false or misleading documents        | Any instance                         | Certified operator sanctions, VN, civil referral, criminal referral, <a href="#">Region 5 referral (Judicial or Criminal)</a> |

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### NPDES Sampling, Monitoring and Reporting – Minor Facilities

| Noncompliance                                | Circumstances                        | Range of Response   |
|--|--------------------------------------|---|
| Failure to sample, monitor or report         | Isolated or infrequent               | None, Verbal Warning, NCA   |
| Failure to sample, monitor or report         | Frequent or continued with prior NCA | VN, <a href="#">Region 5 referral (AO or APO)</a>   |
| Submission of incomplete or deficient report | Isolated or infrequent               | None, Verbal Warning, NCA   |
| Submission of incomplete or deficient report | Frequent or continued with prior NCA | VN  |
| Submission of false or misleading documents  | Any instance                         | Certified operator sanctions, VN, civil referral, criminal referral, <a href="#">Region 5 referral (Judicial or Criminal)</a> |

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### Permit Compliance Schedules – Major Facilities

| Noncompliance         | Circumstances   | Range of Response   |
|-----------------------|---|---|
| Missed date (non-SNC) | May result in other missed interim dates, violation for good or valid cause | Verbal Warning, NCA, <a href="#">Region 5 referral (AO)</a>       |
| Missed date (non-SNC) | Will result in other missed interim dates, no good or valid cause           | NCA, VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |
| Missed date (SNC)     | Any instance  | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>      |

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### Permit Compliance Schedules – Minor Facilities

| Noncompliance | Circumstances   | Range of Response   |
|---------------|---|---|
| Missed date   | May result in other missed interim dates, violation for good or valid cause | None, Verbal Warning, NCA   |
| Missed date   | Will result in other missed interim dates, no good or valid cause           | NCA, VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |
| Missed date   | Will result in missed final date, no good or valid cause                    | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>      |

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### Compliance Commitment Agreements

| Noncompliance | Circumstances                                | Range of Response    |
|---------------|--|----------------------|
| Missed date   | Achieved within 40 days, with valid cause    | None, Verbal Warning |
| Missed date   | Continued after 40 days, with valid cause    | Send to CG           |
| Missed date   | Continued after 40 days, with no valid cause | Send to EDG          |

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### Judicial Order Compliance

| Noncompliance   | Circumstances  | Range of Response  |
|-----------------|--|--|
| Missed deadline | Contained in Judicial Order and good or valid cause    | Contact permittee and require documentation of cause. Force majeure determination or modification of order |
|                 | Contained in Judicial Order and no good or valid cause | Assess penalty   |

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|--|---|--|
| Exceeding Limits contained in a Judicial Order | Isolated or infrequent violation  | Assess penalty, require documentation of cause |
|  | Frequent or continue violations within the control of the permittee or known environmental damage | Judicial action, assess penalty                |

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#### NPDES Permit Effluent Limits

| Noncompliance   | Circumstances  | Range of Response  |
|---|--|--|
| Effluent limit violation(s) (non-SNC)                     | Undocumented surface water quality or groundwater quality or human health problem, or has a low potential to cause a water quality or human health problem   | None, Verbal Warning, NCA, <a href="#">Region 5 referral (AO or APO)</a> |
| Effluent limit violation(s) (non-SNC)                     | Documented surface water quality or groundwater water quality or human health problem, or has a high potential to cause a water quality or human health problem  | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>             |
| Effluent limit violation(s) at a major facility (SNC)     | Any instance   | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>             |
| Effluent limit violation(s) at a minor facility (SNC)     | Undocumented surface water quality or groundwater quality or human health problem, or has a low potential to cause a water quality or human health problem   | None, Verbal Warning, NCA  |
| Effluent limit violation(s) at a minor facility (SNC)     | Documented surface water quality or groundwater water quality or human health problem, or has a high potential to cause a water quality or human health problem  | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>             |
| Fecal Coliform violations at CSOs or excess flow outfalls | Violations with undocumented surface water quality or groundwater quality or human health problem, or has a low potential to cause a water quality or human health problem; with valid cause ( <i>e.g.</i> , extraordinary rainfall event) | None, Verbal Warning, NCA  |

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|---|---|--|
| ▲ Fecal Coliform violations at CSOs or excess flow outfalls | Violations with undocumented surface water quality or groundwater quality or human health problem, or has a low potential to cause a water quality or human health problem; with no valid cause | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |
| ▲ Fecal Coliform violations at CSOs or excess flow outfalls | Violations with a high potential to cause human health problems   | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |
| ▲ Fecal coliform violations at dry weather outfalls         | Two violations in 6 months that are greater than or equal to 2000 or four violations in a 6-month period  | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |

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### Compliance Inspection

| ▲ Noncompliance   | ▲ Circumstances   | Range of Response  |
|---|---|--|
| ▲ Minor violation of sampling or analytical procedures  | Any instance  | None, Verbal Warning, NCA  |
| ▲ Major violation of sampling or analytical procedures  | No evidence of intent<br><br>Evidence of negligence or intent               | NCA, VN<br><br>VN, certification sanctions, criminal referral, civil referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>            |
| ▲ Violation of permit conditions other than (numerical) effluent schedule or reporting violations (e.g., best management practices (BMP), operation and maintenance (O&M), unauthorized discharges/bypasses, record retention/availability, etc.) | No evidence of negligence or intent<br><br>Evidence of negligence or intent | None, Verbal Warning, NCA, VN<br><br>VN, criminal referral, civil referral, certification revocation, <a href="#">Region 5 referral (Judicial)</a> |
| ▲ Spill, release or other activity resulting in substantial danger to the environment or to public health or welfare  | Immediate measures required to correct                                      | VN, Section 43 referral  |

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## NPDES Data Quality Assurance

| Noncompliance   | Circumstances          | Range of Response  |
|---|------------------------|--|
| Non-submittal of discharge monitoring report quality assurance data | Isolated or infrequent | Verbal Warning, NCA  |
|   | Continued violation    | VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |

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## Livestock Waste Management Violations

| Noncompliance   | Circumstances   | Range of Response  |
|---|---|--|
| All CAFOs which had a discharge <del>or are designed, constructed, maintained or operated to have a discharge</del> | No NPDES Permit   | VN require to apply for and obtain an NPDES permit, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> , <a href="#">Section 43 referral</a> |
| Livestock waste discharge   | Open feedlot runoff, undocumented environmental impact                      | NCA, VN, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>  |
| Livestock waste discharge   | Any significant unauthorized discharge with documented environmental impact | VN, civil referral, Section 43 referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>  |
| Livestock waste discharge   | Evidence of negligence or intent  | VN, civil referral, criminal referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>  |
| Multiple livestock discharges   | No NPDES permit   | VN, civil referral, criminal referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>  |
| Failure to apply for an NPDES permit  | When one is required.   | VN, civil referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>   |
| Violations of permit requirements   | Multiple violations.  | VN, civil referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a>   |

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| Deficiencies in complying with the permit and the NMP   | Multiple deficiencies such as failure to maintain adequate storage capacity and containment | VN, civil referral, <a href="#">Region 5 referral (AO, APO, or Judicial)</a> |
| Livestock waste land application violations   | Over application, odors, setback violations, etc.   | “Land Application Advisory Letter,” NCA, <a href="#">VN</a>                  |
|   |   |  |
|   |   |  |
| Livestock/livestock waste odors   | Citizen complaints verified by IEPA   | NCA, VN  |
| No Nutrient Management Plan (NMP)   | When one is required.   | VN, civil referral   |
| Failure to meet the major milestones required in an administrative or judicial order or in a permit | Milestone is 90 days or more overdue  | Assess penalty   |
| Failure to submit an annual report or other report  | When one is required.   | VN, civil referral   |

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### Single Event Violation Table – Codes and Descriptions

| CODE                                  | DESCRIPTION   | CODE       | DESCRIPTION   |
|---------------------------------------|---|------------|---|
| <b>Effluent Violations</b>            |   | <b>CSO</b> |   |
| A0018                                 | Approved Bypass                                     | A0C18      | Approved Bypass   |
| A0013                                 | Failed Toxicity Test                                | A0024      | Dry weather overflow  |
| A0023                                 | Industrial Spill                                    | B0030      | Failure to Develop Adequate LTCP  |
| A0017                                 | Inspection sample above historic DMR range          | B0031      | Failure to Implement LTCP   |
| A0022                                 | Narrative Effluent Violation                        | B0029      | Failure to Implement Nine Minimum Controls (NMCs)                               |
| A0012                                 | Numeric effluent violation                          | BC291      | Failure to implement required NMC #1(Proper operation and maintenance)          |
| A0016                                 | Reported Fish Kill                                  | BC292      | Failure to implement required NMC #2 (Maximum use of the collection system)     |
| A0011                                 | Unapproved Bypass                                   | BC293      | Failure to implement required NMC #3 (Review pretreatment requirements)         |
| A0015                                 | Unauthorized Discharge of Brine                     | BC294      | Failure to implement required NMC #4 (Maximization of flow)                     |
| <b>Management Practice Violations</b> |   | BC295      | Failure to implement required NMC #5 (Elimination of dry weather flow)          |
| B0019                                 | Best Management Practice Deficiencies               | BC296      | Failure to implement required NMC #6 (Control of solids)                        |
| B0024                                 | Biosolids/Sewage Sludge Violation (Part 503)        | BC297      | Failure to implement required NMC #7 (Pollution prevention programs)            |
| B0026                                 | Failure to Allow Entry                              | BC298      | Failure to implement required NMC #8 (Public notification)                      |
| B0012                                 | Failure to Conduct Inspections                      | BC299      | Failure to implement required NMC #9 (Monitoring)                               |
| B0027                                 | Failure to Develop Adequate SPCC Plan               | B0C41      | Failure to Maintain Records or Meet Record Keeping Requirements                 |
| B0017                                 | Failure to develop any or adequate SWPPP/SWMP       | C0C11      | Failure to monitor  |
| B0011                                 | Failure to Develop/Enforce Standards                | E0C16      | Failure to submit required report (non-DMR)                                     |
| B0028                                 | Failure to Implement SPCC Plan                      | E0C13      | Improper/Incorrect reporting  |
| B0018                                 | Failure to Implement SWPPP/SWMP                     | B0044      | LTCP implementation schedule milestone missed                                   |
| B0041                                 | Failure to Maintain Records                         | A0C22      | Narrative effluent violation  |
| B0040                                 | Improper Chemical Handling                          | E0C14      | Noncompliance with section 308 Information Request                              |
| B0023                                 | Improper Land Application (non-503, non-CAFO)       | A0C12      | Numeric effluent violation  |
| B0020                                 | Improper Operation and Maintenance                  | A0C11      | Related Unapproved Bypass   |
| B0025                                 | Inflow/Infiltration (I/I)                           | A0021      | Unauthorized CSO Discharge to Waters/Wet Weather                                |
| B0021                                 | Laboratory Not Certified                            | A0025      | Unauthorized overflow to dry land or building backup                            |
| B0022                                 | No Licensed/Certified Operator                      | B0045      | Violation of a milestone in a permit  |
| B0042                                 | Violation of a milestone in an order                | B0C42      | Violation of a milestone in an order  |
| <b>Monitoring Violations</b>          |   | <b>SSO</b> |   |
| C0017                                 | Analysis not Conducted                              | A0S18      | Approved Bypass   |
| C0011                                 | Failure to Monitor for non-Toxicity Requirements    | A0020      | Discharge to Waters   |
| C0021                                 | Failure to Monitor for Toxicity Requirements        | D0S11      | Discharge without a valid permit (includes satellite systems)                   |
| C0015                                 | Frequency of Sampling Violation                     | B0S41      | Failure to Maintain Records or Meet Record Keeping Requirements                 |
| C0018                                 | Improper Analysis or Lab Error                      | C0S11      | Failure to monitor  |
| C0014                                 | Invalid/Unrepresentative Sample                     | E0018      | Failure to report other violation   |
| C0016                                 | No Flow Measurement Device                          | E0019      | Failure to report violation that may endanger public health 122.41(d)(7)        |
| <b>Permitting Violations</b>          |   | D0S12      | Failure to submit required permit application info (includes satellite systems) |
| D0014                                 | Application Incomplete                              | B0S20      | Improper Operation and Maintenance  |
| D0011                                 | Discharge Without a Valid Permit                    | A0S22      | Narrative effluent violation  |
| D0012                                 | Failure to Apply for a Permit                       | E0S14      | Noncompliance with section 308 Information Request                              |
| D0015                                 | Failure to Pay Fees                                 | A0S12      | Numeric effluent violation  |
| D0016                                 | Failure to Submit Timely Permit Renewal Application | A0026      | Overflow to Dry Land or Building Backup   |
| D0013                                 | Unapproved Operation                                | A0S11      | Related Unapproved Bypass   |
| D0017                                 | Violation Specified in Comment                      | BS42A      | Violation of milestone in an administrative order                               |
|                                       |   | BS42J      | Violation of milestone in judicial decree                                       |
|                                       |   | B0046      | Violation of sewer moratorium or restriction                                    |

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| Reporting Violations |   | Storm Water Construction     |   |
|----------------------|---|------------------------------|---|
| E0017                | Failure to Notify   | D0R11                        | Discharge without a permit                                |
| E0012                | Failure to Submit DMRs  | D0R18                        | Failure to apply for a notice of termination              |
| E0016                | Failure to submit required report (non-DMR, non-pretreatment)   | B0R12                        | Failure to Conduct Inspections                            |
| E0013                | Improper/Incorrect Reporting                                    | B0C17                        | Failure to develop any or adequate SWPPP/SWMP             |
| E0011                | Late Submittal of DMRs  | B0C18                        | Failure to Implement SWPPP/SWMP                           |
| E0014                | Noncompliance with Section 308 Information Request              | B0R41                        | Failure to Maintain Records                               |
| Pretreatment         |   | C0R11                        | Failure to Monitor  |
| C0012                | Baseline Monitoring Report Violation                            | BR19A                        | Failure to properly install/implement BMPs                |
| B0P12                | Failure to Conduct Inspections                                  | BR19B                        | Failure to properly operate and maintain BMPs             |
| B0P11                | Failure to Develop/Enforce Standards                            | D0R12                        | Failure to submit required permit application information |
| B0013                | Failure to Enforce Against I/U                                  | E0R16                        | Failure to submit required report (non-DMR)               |
| B0015                | Failure to Establish Local Limits                               | A0R22                        | Narrative effluent violation                              |
| C0013                | Failure to Establish Self-Monitoring Requirements               | E0R14                        | Noncompliance with section 308 Information Request        |
| B0014                | Failure to Issue SIU Permits                                    | A0R12                        | Numeric Effluent Violation                                |
| B0016                | Failure to Meet Inspection and Sampling Plan for SIUs           | B0R42                        | Violation of a milestone in an order                      |
| E0015                | Failure to submit required report (non-DMR)                     | Storm Water MS4              |   |
| B0P40                | Improper Chemical Handling                                      | D0M11                        | Discharge without a permit                                |
| A0014                | IU Violation of Pretreatment Standards                          | D0M18                        | Failure to apply for a notice of termination              |
| CAFO                 |   | B0M12                        | Failure to Conduct Inspections                            |
| B0A19                | Best Management Practice Deficiencies                           | B0M17                        | Failure to develop any or adequate SWPPP/SWMP             |
| B0038                | Direct Animal Contact with Waters of US                         | B0M18                        | Failure to Implement SWPPP/SWMP                           |
| D0A11                | Discharge without a permit                                      | B0M41                        | Failure to Maintain Records or Meet Record Keeping        |
| B0A12                | Failure to Conduct Inspections                                  | C0M11                        | Failure to Monitor  |
| B0032                | Failure to Develop any or adequate NMP                          | BM19A                        | Failure to properly install/implement BMPs                |
| B0033                | Failure to Implement NMP  | BM19B                        | Failure to properly operate and maintain BMPs             |
| B0A41                | Failure to Maintain Records or Meet Record Keeping Requirements | D0M12                        | Failure to submit required permit application information |
| B0043                | Failure to meet order final compliance date                     | E0M16                        | Failure to submit required report (non-DMR)               |
| C0A11                | Failure to Monitor  | A0M22                        | Narrative effluent violation                              |
| D0A12                | Failure to submit required permit application information       | E0M14                        | Noncompliance with section 308 Information Request        |
| C0019                | Failure to Test Manure  | A0M12                        | Numeric Effluent Violation                                |
| B0A40                | Improper Chemical Handling                                      | B0M42                        | Violation of a milestone in an order                      |
| B0A23                | Improper Land Application                                       | Storm Water Non-Construction |   |
| B0039                | Improper Manure Handling (not including land application)       | D0N11                        | Discharge without a permit                                |
| B0037                | Improper Mortality Management                                   | D0N18                        | Failure to apply for a notice of termination              |
| B0036                | Improper O&M of Storage Facility                                | B0N12                        | Failure to Conduct Inspections                            |
| E0A13                | Improper/Incorrect reporting                                    | B0N17                        | Failure to develop any or adequate SWPPP/SWMP             |
| B0034                | Insufficient Buffers/Setbacks                                   | B0N18                        | Failure to Implement SWPPP/SWMP                           |
| B0035                | Insufficient Storage Capacity                                   | B0N41                        | Failure to Maintain Records                               |
| A0A22                | Narrative effluent violation                                    | C0N11                        | Failure to Monitor  |
| E0A16                | No Annual Report Submitted                                      | BN19A                        | Failure to properly install/implement BMPs                |
| C0020                | No Depth Marker   | BN19B                        | Failure to properly operate and maintain BMPs             |
| E0A14                | Noncompliance with section 308 Information Request              | D0N12                        | Failure to submit required permit application information |
| A0A12                | Numeric effluent violation                                      | E0N16                        | Failure to submit required report (non-DMR)               |
| A0019                | Production Area Runoff  | A0N22                        | Narrative effluent violation                              |
| B0A42                | Violation of a milestone in an order                            | E0N14                        | Noncompliance with section 308 Information Request        |
|                      |   | A0N12                        | Numeric Effluent Violation                                |
|                      |   | B0N42                        | Violation of a milestone in an order                      |

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The codes and code names listed herein may change over time. Please consult ICIS-NPDES system documentation for updated lists.

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